
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DANIEL THOMASON SMITH,

Plaintiff,

versus

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:18-CV-619

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Daniel Thomason Smith, proceeding *pro se*, filed the above-styled lawsuit pursuant to the Federal Tort Claims Act ("FTCA") against several defendants. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending dismissal of the claims against all of the defendants other than the United States.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The magistrate judge correctly concluded that only the United States may be named as a defendant in a lawsuit filed pursuant to the FTCA. *Walters v. Smith*, 409 F. App'x 782, 783 (5th Cir. 2011) (citing *Galvin v. Occupational Safety & Health Admin.*, 860 F.2d 181, 183 (5th Cir. 1988)). The claims against the defendants other than the United States will therefore be dismissed.

ORDER

Accordingly, the objections filed by plaintiff are OVERRULED. The findings of fact and conclusions of law set forth in the report of the magistrate judge are correct, and the report of the magistrate judge is ADOPTED. The claims against President Donald Trump, Vice President Mike Pence, all United States Senators, Attorney General Matthew Whitaker, the Director of the Department of Health and Human Services, Warden Tate, the Director of GEO Group, the Director of the Federal Bureau of Prisons, Correct Care Solutions, the Secretary of State of the United States and the Secretary of State of Texas are DISMISSED.

SIGNED at Beaumont, Texas, this 30th day of July, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE